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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,138	11/19/2003	Kazuo Okada	LIL-0001	7005
23353 7590 12/19/2008 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
LEIVA, FRANK M				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
12/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,138

Applicant(s)

OKADA, KAZUO

Examiner

FRANK M. LEIVA

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 September 2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5, 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemay et al (US 6,802,778 B1).**

- 5. Regarding claims 1 and 14;** Lemay discloses gaming machine comprising:
- a plurality of reels for variably displaying each of a plurality of symbols thereon, (col. 1:29-43 and col. 9:22-27);
 - an image display device for displaying an image that differs from the symbols of the reels, (col. 4:34-35);
 - a payout device for paying out a number of media when a winning combination is determined, (col. 4:2-4); and
 - a controller for executing a predetermined program and controls the reels, the image display device and the payout device, (col. 3:60-4:4),
 - wherein the controller operates a lottery of a winning combination according to the predetermined program, (col. 6:58-62);
 - the controller controls and stops a changing display of the reel based on the winning combination obtained by the lottery, (col. 5:1-3), wherein the invention includes a video slot machine and thus incorporated are the known displaying of the winning combinations;
 - the controller allows the payout on the basis of an amount of payout set to the winning combination when a stop mode of the reel matches a symbol combination of the winning combination, (col. 5:1-3), incorporated in a known video slot machine, the stopping of the reels occurs at the winning combination;
 - the controller allows the image display device to display the winning combination and an amount of payout, (col. 5:1-3);
 - the controller has a plurality of kinds of payout data with respect to one kind of game, and applies one kind of payout data based on a selected operation for the game to be played, (col. 4:40-46); and
 - the controller is operative to cause a support menu and password input screen to be displayed on the image display device such that, after an operator enters a correct password on the password input screen displayed by the image display device, the support menu is displayed on the image display device so that the operator selects from the support menu at least a first mode, the at least first mode enabling the operator to at

least change the amount of payout from a first payout amount to a second payout amount being different from the first payout amount, (col. 4:28-46).

6. Regarding claim 2; Lemay discloses wherein the image display device is formed by an electric display device and displays a plurality of images with reference to the amount of payout, (co. 4:28-35).

7. Regarding claim 3; Lemay discloses wherein the controller operates in a plurality of operating modes for changing the amount of payout, (col. 4:28-30), wherein the terminal is place in a configuration mode.

8. Regarding claim 4; Lemay discloses wherein at least one of the operating modes changes a probability of the lottery, (col. 4:28-35), whereas changing paytables inherently changes probability of outcomes.

9. Regarding claim 5; Lemay discloses wherein at least one of the operating modes changes the probability of the lottery for a bonus winning combination, (col. 6:44-62), wherein the system includes a special payout for Pre-Draw winning hands different from Post-Draw hands.

10. Regarding claim 7; Lemay discloses wherein the controller also authenticates effectiveness of a password inputted from the password input screen by an operation of a manager for managing the gaming machine, and changing the amount of payout on the basis of a result of an authentication device, (col. 4:28-36).

11. Regarding claim 8; Lemay discloses a gaming machine comprising a variable display device for variably displaying a plurality of symbols, (col. 1:29-43 and col. 9:22-27); a lottery device for operating a lottery of a winning combination, (col. 6:58-62); a stopping control device for controlling and stopping the variable display device on a

basis of a result of the lottery, (col. 5:1-3), wherein the invention includes a video slot machine and thus incorporated are the known displaying of the winning combinations.

A payout device for on the basis of an amount of the payout set for the winning combination when a stopped state of the variable display device reaches a symbol combination equal to the winning combination, (col. 5:1-3), incorporated in a known video slot machine, the stopping of the reels occurs at the winning combination.

A payout display device for displaying the winning combination and at least the amount of payout to be paid out, (col. 5:1-3).

A payout changing device for changing the amount of payout by applying one kind of payout data from a plurality of kinds of payout data with respect to one kind of game, based on a selected operation for the game to be played, the controller allows the image display device to display a password input screen, (col. 4:28-46).

12. Regarding claim 9; Lemay discloses wherein the amount of payout is changed by selecting the plurality of images, (col. 5:21-29), wherein the plurality of images may be the available prizes to be selected, as is normal for a touchscreen system.

13. Regarding claim 10; Lemay discloses wherein the amount of payout is changed by changing each of data shown in the plurality of images, (col. 4:34-46).

14. Regarding claim 11; Lemay discloses wherein at least one of the operating modes for changing the amount of payout is selected, (col. 4:28-36).

15. Regarding claims 12 and 13; Lemay discloses wherein the password input screen displays a pseudo-keyboard, (col. 5:24-26).

16. Regarding claim 15; Lemay discloses wherein, in the at least first mode, the operator is enabled to change a first winning probability to a second winning probability being different from the first winning probability, (col. 4:40-46).

17. Regarding claim 16; Lemay discloses wherein, in the at least first mode, the controller is operative to cause at least one of a plurality of payout-rate setting screens to be displayed on the image display device, each one of the plurality of payout-rate setting screens having a plurality of tables of payout-rate data, each one of the plurality of tables of payout-rate data being different from one another, (col. 4:28-46 and figs. 2-4).

18. Regarding claim 17; Lemay discloses wherein each one of the plurality of table of payout-rate data includes a series of prize-winning combinations and a number of media to be disbursed upon payout for each one of the series of prize winning combinations and an internal-winning probability for each one of the series of prize-winning combinations, (fig. 5 and col. 5:3-11).

19. Examiner's Note: Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

FML
12/11/2008